IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

SHEET METAL WORKER WELFARE FUND, et al.,	S LOCAL 265)	
	Plaintiffs,)	CIVIL ACTION
vs.)	NO. 08 C 1712
TAMARACK HEATING & an Illinois corporation,	, ,)))	JUDGE RUBEN CASTILLO
	Defendant.)	
	<u>AFFID</u>	<u>AVIT</u>	
STATE OF ILLINOIS)		
COUNTY OF DUPAGE) SS.)		

SCOTT P. WILLE, being first duly sworn upon his oath, deposes and says:

- 1. That he is Administrator and/or Authorized Agent of the SHEET METAL WORKERS LOCAL 265 WELFARE FUND, SHEET METAL WORKERS LOCAL 265 PENSION FUND, SHEET METAL WORKERS LOCAL 265 SAVINGS FUND, SHEET METAL WORKERS LOCAL 265 INDUSTRY FUND and SHEET METAL WORKERS LOCAL 265 SUPPLEMENTAL RETIREMENT PLAN.
- 2. That he has read the Complaint filed in this cause, and knows of his own personal knowledge the contents of the collective bargaining agreements and Agreements and Declarations of Trust and all facts alleged therein, and if called and sworn as a witness is competent to testify thereto.

- 3. That he is charged with keeping and maintaining records of contributions received by the Plaintiff Funds, maintains individual records on each person, firm and corporation required to make contributions to said Plaintiff Funds, receives and records contribution reports made by such persons, firms or corporations, and has under his supervision and direction all books, records, documents and papers relating to such Plaintiff Funds.
- 4. That he has examined the account of Defendant in the above-entitled cause, and states that said Defendant:
 - (a) is required to make monthly contribution reports under the terms of the aforesaid collective bargaining agreement;
 - (b) has failed to submit all monthly contribution reports due to date;
 - (c) has submitted monthly contribution reports for the months of November 2007 through January 2008, but has failed to submit the contributions which it acknowledges therein to be due in the total amount of \$418,443.36.

(Copies of the monthly fringe benefit contribution reports submitted by Defendant for November 2007 through January 2008 are attached hereto).

- 5. That pursuant to the Trust Agreements he has assessed a liquidated damages surcharge against the Defendant in the amount of ten (10%) percent of all contributions due and unpaid and all contributions which were paid late, for the months of November 2007 through January 2008, in the total amount of \$41,844.33.
- 6. That he is duly authorized by Plaintiffs in this behalf, has personal knowledge of the matters set forth above and if called as a witness in this cause is competent to testify thereto.

7. That he makes this Affidavit in support of the application of Plaintiffs for default and judgment and requests this Court to consider the same as proof in support of the allegations contained in the Complaint of the Plaintiffs and such other facts herein set forth.

FURTHER AFFIANT SAYETH NOT.

COTT P. WILLE

SUBSCRIBED AND SWORN

TO before me this 23 42

NOTARY PUBLIC

E\265J\Tamarack Heating\2008\wille affidavit.jdg.df.wpd

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Scott P. Wille) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 29th day of April 2008:

> Mr. Matthew G. Bertani, Registered Agent Tamarack Heating & Cooling, Inc. 71 129th Infantry Drive Joliet, IL 60436

> > /s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer Attorney for Plaintiffs BAUM SIGMAN AUERBACH & NEUMAN, LTD. 200 West Adams Street, Suite 2200 Chicago, IL 60606-5231

Bar No.: 6237001

Telephone: (312) 236-4316 Facsimile: (312) 236-0241

E-Mail: jdunitz.geiringer@baumsigman.com

I:\265J\Tamarack Heating\2008\wille affidavit.jdg.df.wpd

3.52

6.4 4,00

5.32

FEB-14-2008 01:10PM

FROM-TAMARACK HEATING AND COOLING

ASSESS

IA WORK

DATE: 01/31/08

+1 815 439 3475

6.44

5.B6

2,316,31

2,638.97

58,313.36

∞ ₩

31 3/4 9 1/2

138 1/2

148

32

9

46 112

182 3/4

129

H

ORUFFIN ...

¥

· MIL

i a

j.

: P

16,450.43

\$1,100.81

1.4.1

9.48

T-963 P.010/013

5.86

20.7 5.61

224174 2,791.29

\$6,816.27

\$6,705.56

18 3/4

30 1/4 2112

91 1/4

MIRAVETE-CRUZ

MIRABAL

TOM

A.

ĸ

144 144

MILLER

MCCAULEY

MAGOLAN

30 · KJ 3

ASI

38

\$5,467.89

2,310.31 2,270.88

10.12

1.989.81

.: 646,57

\$1,636.68

\$11,872.41

912

112

\$

189 1/2

144

m

4313.12 \$5,832.09 \$6,013.44

2.294.64

1,94 6,78

7,92

3,122.46 1,786.24

.. 2,649.39 2,673.02

> \$6,469.88 \$8,197,84

\$7,288,03

8 1/2

22 1/2

138 1/2

128

LADOUCEUR LEONARD

JURICK

B 3

. JUNGELS.

HOTZ

公司以 BÇ 3112

22 34

171 3/4

LINDSTRAND

TEMIS

ä 3 Z

168

6.78 6.72

5.12 1.32

2,018.56

. \$6,121.28

. 520.41

4.48 6,82 F-778

12/1/10

Uniform Fringe Benefit Remmittance Report

200355

ACCOUNT#

TAMARACK

MITTALS

1,577.00 H&W,PENSTON,MISC. CONTRIBUTIONS 2,144,72 3,741,43 - 1.387.76 2.097.41 1,092,07 1,387.76 1,281.90 TAXABLE GROSS \$3,600.00 \$4,843.87 \$5,237.38 \$10,339.86 \$2,227,27 13,388.88 \$5,121,83 \$3,388.88 \$1,038.77 WAGES OT (C) 2 O/T@14 HOURS 312 8 REGULAR 65 3/4 133 136 88 88 8 8 CALDWELL BERARDI CARLSON COLE CASTLEMAN HEATING & CLG GEREDNE LAST NAME BOOK

04/03/2008 15 (12 SPAX: 03 0 0 6 0 8 1 7 3 1 2 8 Document 1 de AL # 2 de d 0 4/29/20 0 8 AUM Page 2 of 11 4 2 0 0 3

FEB-14-2008 01:10PM FROM-TAMARACK HEATING AND COOLING

+1 815 439 3475

T-969 P.011/013 F-778

7 40	20.0	9.84	7,47	5.76	5.44	7,36	0.84	7.38	3.52	8.72	6.68	9.16	6,40	6.72	7.04	6.72	5.40	6.72	6.72	6.80													480	90	8.00
200000	Z/83.10	2,695.67	2,946.05.	2,270.88	2.14.72	2.971.68	331.17	2 901-68	4 307 78	7 F40 38	2 447 50	2.428.68			2778.52	2 649 36	•	7 849.36	2 649 38		0.00	7 - 7 - 100°C	ľ	0.68	 00'0	0.00	. 00.0	•	0000	00'0	000	00.00	1,882.40	00'0	3,164,00
\$8,928.5	\$6,835.53	\$4,031.68	\$7.863.51	\$6.645.44	CK 2K0 BB	44 A85 17	20.004.04 PoAn 74	10000	**************************************	00'007'74	20.00.00	70,83.4.T		69.000	00000000 · · · · · · · · · · · · · · ·	- [- [20 150 AP	.1 7	01-070-04 01-070-04													\$9,150.00	The second second	\$15,250.00
22																					+														
33 3/4		9	24.40	74 616											8																				
137 1/4	177.12	160	103	41 701 41 701	4	136	184	21	184	98	165	167	154	180	168	178	169	136	168	168	170										***************************************		120	1,500	000

																	_			a - 1	1	******	٠- ١	-1	• 1	1	925		9000	27720	3000	999	26 V	2220	•	22
WARRIED TO THE PARTY OF THE PAR	DROZCO	PEARSON		REDDELL	REICHERT	REIDENGA	REMBACHER	REMICK	SAVAGE	SCARPELLI	· · SEBBY	SEPFERT	SHEEHAN	SHIELDS	SOTE STATE	SHIEDS	SINADINOS	STOGSDILL	SULA SE	TRAINOR	ZINAMII.							***					KAMINSKAS		KAMINSKAS	
		O	MP	RR	MR	5	3	1	SR	i.	SS	RR	RO	, ≱5	Z.	T.	SS	101	1	RIM	3	7. 7. 7. 78			• • •		,				,		NA CONTRACTOR		臣	

04/03/2008 15: [2a56X1638-668) 7338 Docurs With LOCAL # 28fed 04/29/2008AUM Page 3 of 11 12 004

FEB-14-2008 01:10PM

FROM-TAMARACK HEATING AND COOLING

	11 276.53	•							•				-	
	109148.11			•						0.00	0.00		20	
	276745.08		•											-
	- 94 1/4	4												
ı	062							,						
. 620/	8507											-		
			•						•	,			,	
TOTALS >				. 1	,		•		1	7				
•			<u>.</u>	<u> </u>		Ė	: :	+			•	+	-	

FEB-14-2008 01:10PM

213.64 \$5,537.00 \$1,463,48 0.24 \$6,676.43 g 0.82 CONTRIBUTION RATE PER HOUR TOTAL HOURS REPORTED \$51,985.13 6921 1/4 0.00 AMOUNT DUE 7.30 \$30,265.31 8921 1/4 8921 1/4 \$28,838.04

\$1,495.48

\$2,976.14

0.21

Ø 008

FEB-14-2008 01:09PM

DATE: 12/31/07

Uniform fringe benefit remmittance report

'n

200355

ACCOUNTS

TAMARACK HEATING & CLG

FROM-TAMARACK HEATING AND COOLING

+1 815 438 3475

T-963 P.806/013

F-778

ASSESS		5.60	6.32	5.12	6.46	5,78	6.16	5.76	6.52	7.27	5.80	6.89	8.16	5.00	4.80	5,86	5.76	7.52	7.52	5.24	- 7.96	6.96	6.76	5.92	8.11	6.78
SWCIE/ISIGETICS		. 2 2 BT 80	A 100 A4	27 070 6	A RAR RG	2 270 88	2.428.68	2.770.88	2.670.51	7 AM 20	2.907.RD	2 74 R 28	7.78.68	1 971 25	1 892 40	734834	2270.88	2 964.76	378.48	2.085.87	2 438 23	2 234 AB	2 270.88	2 2 2 3 96	2 ANR R7	2 270 88
222	WAGES	. 22 044 07	1007704	\$5,121.83	56,760,00	21.002.12	14 10 10 10 10 10 10 10 10 10 10 10 10 10	40, 140, 10	CF 162 143	10 AND	21,861,01	PO JOY OF	37,100,00	21 - 17 05	00.002,94	07: 02:64	72 373 34	20,040,04	40,01 A.000	70 PUF 34	30,121.04	17"BAC'84	23.64	12 CT 25	00'878'00'	28,050.02
	07 @ 2					17.14			7707	1.3/4		12									f	8				
HOURS	OT @ 1"		20			18 3/4		2		22 1/2	35 3/4	21	24 1/2	20	B		14 1/2		54		4	44	10		11	9 1/4
	REGULAR		120	133	128	127 1/2	144	441	144	138 3/4	146	107	147 3/4	38	118	120	132	144	148	24	127	148	131 1/2	144	137	143 1/2

LAST NAME	BERARDI	BOOK	BUSHELL	CALDWELL	CARLSON	CASTLEMAN	COLE	GERCONE	GRIFFIN	HILL	HOTZ	· JUNGELS	JURICIC	LADOUCEUR	LEONARD:	· LEWIS	LINDSTRAND	LISY	MAGOLAN	MCCAULEY	IMLER	MILER	MINOTT	MIRABAL	MIRAVETE-CRUZ
INTIIALS	Ŀ	• ·	E	5	BC	. M.		×	7	5	5	. BC ·	78	3	- 'BI'	in Section 1	Z V	7	3	3	3	TB.	· Y - · ノ	¥,	ш :-

MEB-14-2008 01:09PM

FROM-TAMARACK HEATING AND COOLING

+1 815 438 3475

T-963 P.000/013 F-778

						00.0	
						200	
	•					00.0	
						*	
						*	
		•					
	,						
			* * ***********************************	ī		, , , , , , , , , , , , , , , , , , , ,	
		•				-	
		•	-				
						•	
27 24246		•			262179.46	104996.66	278.62

1

+1 815 438 3475

T-963 P.009/013 F-778

				0.04		204.71				
				 080		\$5,330.80				
				0.24		\$1,388.34	AL FUNDS.			
TED		160	R HOUR	0.82		\$5,464.07	Loc forw.		10/17/18	
TOTAL HOURS REPORTED	0.00	6663 1/2	CONTRIBUTION RATE PER HOUR	 7.30	AMOUNT DUE	\$49,811.55				
TOTAL HO		6863 4/2	ONTRIBUTIO	4.26	AMO	\$28,899.58	The said of the Said			
		8863 1/2	8	4.19		\$28,596.47	RITHUNDS SEATOR			rundiani, es
				0.21		\$1,432.94	NATIONAL BENEFIT FUN			
				0,43		\$2,866.31	NATE OF			

04/03/2008 15 Class EAX: 063 00 V6 081 77 128 Document 1.6cal # Files d 04/29/2008 PAU Page 8 of 11 **2**009 F-778 P.002 T-963 +1 815 439 8475 FROM-TAMARACK HEATING AND COOLING

FEB-14-2008 01:08PM

13740 5.78 6.99 6.80 5.84 ASSESS 6.70 A WORK 6.23 4,86 5.26 7.08 7.51 7.71 6.28 8.38 6.09 6.13 5.26 7.07 6.78 29.5 HEW, PENSION, MISC. CONTRIBUTIONS 3,288.06 3,369.01 3,272.28 3.571.91 4.652.89 3,713.84 × . S.T. 72. 2,964.76 2,964.78 3,027.84 2,766.76 3,004,19 2,898.39 3,946,44 2,873,02 2,408.87 2,901.68 2,888,67 1.246.83 11/30/07 DATE TAXABLE GROSS \$9,208.71 \$8,308.64 \$8,780.09 REMMITTANCE REPORT -/:: \$10,262.93· 87,586.48 17,239,88 \$10,768.37 \$4,872.40 \$7,393.92 \$9,430.13 \$9,776.73 ... \$7,850.8B ..\$6,378.86 \$7,000,75 \$7,498.20 *** . \$10,146.64 **-\$18,443,34** \$9,864,41 .. x % .\$6,877.88 \$6,739.25 *\$R,280.00 \$6,588.21 \$3,042.28 • OT @ 2 5 1/4 5 1/2 00 41 3/4 O/T @ 1 ... 36 3/4 68 3/4 20 1/2 21 1/2 41 3/4 18 1/2 17.12 111/12 HOURS 18 1/2 8 13 46 45 2 C) UNIFORM FRINGE BENEFIT 200755 191 1/4 189 3/4 REGULAR 191 1/2 177 1/2 188 1/2 8 8 175 183 168 192 149 19 166 184 5 141 175 152 至 187 F 13 ACCOUNT MIRAVETE-CRUZ MCCAULEY LINDSTRAND LADOUCEUR BUSHELL . HOTZ OROZCO HEATING & CLG CASTLEMAN MAGOLAN MIRABAL GERCONE LEDNARD LAST NAME THOM JUNGELS GARLSON WILEY. 11年 ... CALDWELL SURFICE BERARDI CETTEN ... LEWIS COLE TWI TAMARACK . **BO**: PC: MITTALS . 181 2 7 多品 3 ₹ E ·LT

17

04/03/2008 15 ClaseAF (830 858 7338 Document Legal # 1964 04/29/2008BAUIPage 9 of 11 Ø 010

FROM-TAMARACK HEATING AND COOLING FEB-14-2008 01:08PM

E00.9 | E28-T +1 815 439 8475

F-778

20.50	(.41	6.52	6.52	5,52	5.28	5,62	6.52	5.28	A 18	8.52	6.7a	14.34	5.52	5.62	5.28	5.28	5.33													3.60		6.00			
2814.96	3,895,49	2,901.68	2.901.68	2.861.65		2 and 48	2 904 64		77.57.5	0 DO 8 PG	A 247 CB	<u> </u> -		2 204 88	2.776.62	Ŀ	- 100 TB	DI-0017	00.0	1000 CON 100 C	13.4.5. 000	10.00 (1.00 to 1.00 to	7 17 1 19 00 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		000	00°a.		00:0	1. 1	1.882.40	· · · · · · · · · · · · · · · · · · ·		980	7,	P
\$4,184.07	\$11,042,76	\$7.085.84	£7 404 24	48 A80.32	\$ 777.76				9/ 780 (0		0.000			47.080.04	_	C4-781.28	100 TO 10	37,180.03					はのでも 大変の まって A	; 	A SAME AND	かい なんこう	The second secon			\$9,166.00	との はいのない はんない かんしょう かんしゅう しゅうしゅう しゅう	\$18,250.00	Same of the contraction	**	
	15																																		
34/2	40.17											12	9																						
176	480 410	707	104	104	PG .	٩/١	25	184	176	172	184	192	188	184	164	92	176	17712												120		200			

PIPER REDDELL REICHERT REIDENGA	REINBACHER	YBBES.	SEPERI	SHIELDS	SHIELDS	SHIELDS	STOGSDALL	SULA	2	ZINAMIZ								. KAMINSKAS .	KALINSKAS		* * * * * * * * * * * * * * * * * * * *
MP WR RJ RJ	3	SS:	E 2			200	十肥ナ	F IS	KINE		 **		*					J.	RA	\ \;	

					268.74
0000				** *** *** ***	134699.46
	the second of the second	* 4 m		the same appropriate to	338174.40
					 33.3/4
					556
					7941 3/4
					:
	1		14.7		TOTALS >
1 · · · · · · · · · · · · · · · · · · ·					

FEB-14-2008 01:08PM FROM-TAMARACK HEATING AND COOLING +1 815 438 3475 T-863 P.005/013 F-778

267.95 0.80 \$6,996.83 288 0.62 CONTRIBUTION RATE PER HOUR TOTAL HOURS REPORTED 0.00 **8631 1/2** AMOUNT DUE 8,90 8631 472 \$37,105.88 8531 1/2 \$36,584.89 SH,833.62 0.2 \$3,698,55 0.43